

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Mitch Fishlowitz  
18164 Sundowner Way, Unit 1006  
Canyon Country, CA 91387

Plaintiff,

v.

GC Services, Limited Partnership  
150 N. Martingale Road, Suite 838  
Schaumburg, IL 60173

Defendant.

CASE NO.: FILED: APRIL 24, 2008

08CV2344 EDA

JUDGE COAR

JUDGE: MAGISTRATE JUDGE MASON

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

---

**JURISDICTION AND VENUE**

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper in this district because Defendant resides in this district under 28 U.S.C. § 1391.

**FACTS COMMON TO ALL COUNTS**

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).
5. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
6. The debt in question qualifies as a "debt" as defined by 15 U.S.C. §1692a(5).

7. Defendant is either the holder of the debt or was retained by the current holder to collect the debt.
8. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
9. Between January and February 2008, Defendant telephoned Plaintiff on numerous occasions in an effort to collect the debt.
10. During several of these communications, Plaintiff informed Defendant that Plaintiff was represented by an attorney for bankruptcy and provided the law firm's contact information.
11. Despite Plaintiff's notices, Defendant continued to telephone Plaintiff.
12. During many of these communications, Defendant spoke to Plaintiff in an abusive and belligerent manner.
13. On or around February 25, 2008, Defendant again telephoned Plaintiff in an effort to collect the debt.
14. During this communication, Plaintiff reiterated that Plaintiff was represented by an attorney and again provided the law firm's contact information.
15. In response, Defendant exclaimed that Defendant had "no [expletive] time" to access a website and threatened that Defendant would "get the [expletive] money anyway Defendant could".
16. Defendant damaged Plaintiff emotionally and mentally and has caused substantial anxiety and stress.
17. Defendant violated the FDCPA.

### **COUNT ONE**

#### **Violation of the Fair Debt Collection Practices Act**

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

19. The Defendant violated 15 U.S.C. §1692d in that defendant used obscene and/or abusive language during its communications in furtherance of debt collection.

**COUNT TWO**

**Violation of the Fair Debt Collection Practices Act**

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

21. The Defendant violated 15 U.S.C. §1692c in that it contacted Plaintiff notwithstanding the fact that Plaintiff told Defendant that Plaintiff was represented by an attorney.

**COUNT THREE**

**Violation of the Fair Debt Collection Practices Act**

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

23. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

**JURY DEMAND**

24. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

25. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: /s/ Jeffrey S. Hyslip  
Jeffrey S. Hyslip  
Attorney for Plaintiff  
20 W. Kinzie Street, Suite 1300  
Chicago, IL 60610  
Telephone: 866-339-1156  
Email: jsh@legalhelpers.com